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COMMISSION ON HUMAN RIGHTS
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QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

China and Colombia (on behalf of the Non-Aligned Movement):
draft resolution

1998/... The right to development

The Commission on Human Rights,

Guided by the Charter of the United Nations, expressing in particular the determination to promote social progress and better standards of life in larger freedom as well as to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Recalling that the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986 confirmed that the Right to Development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals, who make up nations,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Noting that the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of all fundamental human rights,

Recognizing that the Declaration on the Right to Development constitutes an integral link between the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action (A/CONF.157/23) through its elaboration of a holistic vision integrating economic, social and cultural rights with civil and political rights,

Expressing its concern, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, that the unacceptable situation of absolute poverty, hunger, and disease, lack of adequate shelter, illiteracy and hopelessness remains the lot of over one billion people,

Emphasizing that the promotion, protection and realization of the right to development is an integral part of the promotion and protection of all human rights,

Noting that the human person is the central subject of development and that development policy should therefore make the human being the main participant and beneficiary of development,

Stressing the importance of creating an economic, political, social, cultural and legal environment that will enable people to achieve social development,

Affirming the need to apply a gender perspective in the implementation of the right to development, inter alia by ensuring that women play an active role in the development process,

Emphasizing that the empowerment of women and their full participation on a basis of equality in all spheres of society is fundamental for development,

Underlining the fact that realization of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

Welcoming in this regard the adoption by the General Assembly of the Agenda for Development which declares that development is one of the main

priorities of the United Nations and aims at invigorating a renewed and strengthened partnership for development, based on the imperatives of mutual benefits and genuine interdependence,

Noting with concern that the Declaration on the Right to Development is insufficiently disseminated and should be taken into account, as appropriate, in bilateral and multilateral cooperation programmes and national development strategies and policies and activities of international organizations,

Recalling the need for coordination and cooperation throughout the United Nations system for a more effective promotion and realization of the right to development,

Underlining the important role of the United Nations High Commissioner for Human Rights in the promotion and protection of the right to development, as mandated in paragraph 4 (c) of General Assembly resolution 48/141 of 20 December 1993,

Recalling its resolution 1997/72 of 16 April 1997 and noting General Assembly resolution 52/136 of 12 December 1997,

Taking note with interest of the report (E/CN.4/1998/29) submitted by the Intergovernmental Group of Experts, including the proposed strategy contained therein, and welcomes in particular the recommendation that a follow-up mechanism should be established to ensure promotion and implementation of the Declaration on the Right to Development,

1. Reaffirms the importance of the right to development for every human person and all peoples in all countries, in particular the developing countries, as an integral part of their fundamental human rights as well as the potential contribution its realization could make to the full enjoyment of human rights and fundamental freedoms;

2. Recognizes that the fiftieth anniversary of the Universal Declaration of Human Rights provides an important opportunity to place all human rights at the top of the global agenda and, in this context, the right to development in particular;

3. Reiterates that:

(a) The essence of the right to development is the principle that the human person is the central subject of development and that the right to life includes within it existence in human dignity with the minimum necessities of life;

(b) The existence of widespread absolute poverty inhibits the full and effective enjoyment of human rights and renders democracy and popular participation fragile;

(c) For peace and stability to endure, national action and international action and cooperation are required to promote a better life for all in larger freedom, a critical element of which is the eradication of poverty;

4. Reaffirms that democracy, development and respect for human rights and fundamental freedoms, including the right to development, are interdependent and mutually reinforcing, and in this context affirms that:

(a) Development experiences of countries reflect differences with both progress and setbacks, and that the development spectrum has a wide range, not only between countries but also within countries;

(b) A number of developing countries have experienced rapid economic growth in the recent past and have become dynamic partners in the international economy;

(c) At the same time the gap between developed and developing countries remains unacceptably wide and developing countries continue to face difficulties participating in the globalization process, and many risk being marginalized and effectively excluded from its benefits;

(d) Democracy, which is spreading everywhere, has raised development expectations everywhere; that their non-fulfilment risks the rekindling of non-democratic forces and that structural reforms that do not take social realities into account could destabilize democratization processes;

(e) Effective popular participation is an essential component of successful and lasting development;

(f) Democracy, respect for all human rights and fundamental freedoms, including the right to development, transparent and accountable governance and administration in all sectors of society, as well as effective participation by civil society, are an essential part of the necessary foundations for the realization of social- and people-centered sustainable development;

(g) The participation of developing countries in the international economic decision-making process needs to be broadened and strengthened

5. Urges all States to eliminate all obstacles to development at all levels, by pursuing the promotion and protection of economic, social,

cultural, civil and political rights and by implementing comprehensive development programmes at the national level, integrating these rights into development activities, and by promoting effective international cooperation;

6. Reaffirms that all human rights are universal, indivisible, interdependent and interrelated and that the universality, objectivity, impartiality and non-selectivity of the consideration of human rights issues must be ensured;

7. Affirms that international cooperation is acknowledged more than ever as a necessity deriving from recognized mutual interest, and therefore that such cooperation should be strengthened in order to support the efforts of developing countries to solve their social and economic problems and to fulfill their obligations to promote and protect all human rights;

8. Welcomes the intention of the Secretary-General to give high priority to the right to development and urges all States to further promote the right to development as a vital element in a balanced human rights programme;

9. Also welcomes the high priority devoted by the High Commissioner for Human Rights to activities relating to the right to development, and urges the Office of the High Commissioner for Human Rights to continue implementing Commission resolution 1997/72, in particular with regard to:

(a) Examining ways and means to provide the Declaration on the Right to Development with a profile commensurate with its importance;

(b) Continuing to accord priority to the right to development and providing commensurate support in terms of staff, services and resources for its programmatic follow-up;

(c) Ensuring widespread dissemination and promotion of the Declaration on the Right to Development, in close cooperation with States and intergovernmental organizations, national institutions, academia and interested non-governmental organizations worldwide, inter alia through workshops and seminars;

(d) Projecting the role and importance of the right to development in activities being organized as part of the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights;

(e) Consulting regularly on a formal and informal basis with all States on the follow-up to the Declaration on the Right to Development;

(f) The welcome initiative to organize regional seminars which should focus on all aspects of the realization of the right to development;

(g) Undertaking with the World Bank a dialogue with regard to the right to development, including initiatives, policies, programmes and activities that can promote the right to development, and informing Member States on a regular basis of the progress in such a dialogue;

10. Decides, in view of the urgent need to make further progress towards the realization of the right to development as elaborated in the Declaration on the Right to Development, to recommend to the Economic and Social Council the establishment of a follow-up mechanism, initially for a period of three years, consisting of:

(a) The establishment of an open-ended working group to meet for a period of five working days each year, after the fifty-fifth and fifty-sixth sessions of the Commission on Human Rights, with a mandate to:

- (i) Monitor and review progress made in the promotion and implementation of the right to development, as elaborated in the Declaration on the Right to Development, at the national and international levels, providing recommendations thereon, and further analysing obstacles to its full enjoyment, focusing each year on specific commitments in the Declaration on the Right to Development;
- (ii) Review reports and any other information submitted by States, United Nations agencies, other relevant international organizations and non-governmental organizations on the relationship between their activities and the right to development;
- (iii) Present for the consideration of the Commission on Human Rights a sessional report on its deliberations, including, inter alia, advice to the Office of the High Commissioner for Human Rights with regard to the implementation of the right to development, and suggesting possible programmes of technical assistance at the request of interested countries with the aim of promoting the implementation of the right to development;

(b) The appointment by the Chairman of the Commission on Human Rights of an independent expert with high competence in the field of the right to development, with a mandate to present to the Working Group at each of its sessions a study on the current state of progress in the implementation of the right to development as a basis for a focused discussion, taking into account, inter alia, the deliberations and suggestions of the Working Group;

11. Invites the High Commissioner for Human Rights to present a report to the Commission each year for the duration of the mechanism, to provide interim reports to the Working Group and to make these reports available to the independent expert, in each case covering:

(a) The activities of her Office relating to the implementation of the right to development as contained in her mandate;

(b) The implementation of resolutions of the Commission and the General Assembly with regard to the right to development;

(c) Inter-agency coordination within the United Nations system for the implementation of relevant resolutions of the Commission in that regard;

12. Calls upon the Secretary-General to ensure that the Working Group and the independent expert receive all necessary assistance, in particular the staff and resources required to fulfil their mandates;

13. Requests the Secretary-General to submit to the General Assembly at its fifty-third session and to the Commission on Human Rights at its fifty-fifth session a comprehensive report on the implementation of the various provisions of the present resolution;

14. Recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/... of ... April 1998, endorses the Commission's decision, in view of the urgent need to make further progress towards the realization of the right to development as elaborated in the Declaration on the Right to Development, to establish a follow-up mechanism, initially for a period of three years, consisting of:

(a) The establishment of an open-ended working group to meet for a period of five working days each year, inter-sessionally after the fifty-fifth and fifty-sixth sessions of the Commission on Human Rights, with a mandate to:

- (i) Monitor and review progress made in the promotion and implementation of the right to development, as elaborated in the Declaration on the Right to Development, at the national and international levels, providing recommendations thereon, and further analysing obstacles to its full enjoyment, focusing each year on specific commitments in the Declaration on the Right to Development;
- (ii) Review reports and any other information submitted by States, United Nations agencies, other relevant international organizations and non-governmental organizations on the relationship between their activities and the right to development;
- (iii) Present for the consideration of the Commission on Human Rights a sessional report on its deliberations, including, inter alia, advice to the Office of the High Commissioner for Human Rights with regard to the implementation of the right to development, and suggesting possible programmes of technical assistance at the request of interested countries with the aim of promoting the implementation of the right to development;

(b) The appointment by the Chairman of the Commission on Human Rights of an independent expert with high competence in the field of the right to development, with a mandate to present to the Working Group at each of its meetings a study of the current state of progress in the implementation of the right to development as a basis for a focused discussion, taking into account, inter alia, the deliberations and suggestions of the Working Group.
